

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on February 7, 2012

I. OPENING OF MEETING 11:00 A.M.—160 North LaSalle Street, S-400, Chicago, Illinois

II. PRESENT

Jacalyn J. Zimmerman, Chairman of the Board; Paul Besson, Member of the Board; James Brennwald, Member of the Board; Michael Coli, Member of the Board; Albert Washington, Member of the Board; John F. Brosnan, Executive Director; Jerald S. Post, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD January 10, 2012

Chairman Zimmerman called for approval of the minutes of the January 10, 2012 meeting. Member Besson moved to approve the minutes. Member Washington seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Zimmerman asked Executive Director Brosnan to present the State Panel administrative actions report for the period of time from January 1 to January 31, 2012. He presented the report and summarized its highlights. The Board examined the report and discussed it. Chairman of the Local Panel, Robert M. Gierut, made a short presentation to the State Panel Chairman and Members, outlining a method whereby the agency, by identifying and remedying the choke-points in its processes, could increase its productivity and effectiveness. At the conclusion thereof, the Chairman and Members of the State Panel discussed Chairman Gierut's presentation at length and questioned him regarding various aspects of it.

V. BOARD ACTIONS

1. Case No. S-RC-08-154

**American Federation of State, County and Municipal Employees, Council 31/ State of Illinois,
Department of Central Management Services**

Chairman Zimmerman called the case. General Counsel Post reviewed the issues presented by Administrative Law Judge (ALJ) Kehoe's Recommended Decision and Order (RDO) stating that Petitioner filed a majority interest petition seeking to add to the bargaining unit a single employee in the title of Public Service Administrator, Option 8L employed by the Employer. The RDO rejected the Employer's contention that the position at issue was managerial as defined in Section 3(j) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010) as amended (Act), either under the traditional/statutory test, or the alternative/judicially-created managerial-as-a-matter-of-law test. General Counsel Post recommended that the Board accept the RDO, and certify the unit to include the PSA Option 8L position held by the employee. After discussion, Member Washington moved to accept General Counsel Post's recommendation. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

2. Case No. S-CA-08-271
Oak Lawn Firefighters Ass'n, Int'l Ass'n of Fire Fighters, Local 3405/ Village of Oak Lawn

Chairman Zimmerman called the case. General Counsel Post reviewed the issues presented by ALJ Kazanjian's RDO, which found that the Respondent had not violated Sections 10(a)(2) and (1) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010) as amended (Act) by disciplining two firefighters for their misconduct during a licensing examination but found that Respondent had violated Sections 10(a)(2) and (1) by eliminating three vacant firefighter positions and laying off an additional three firefighters in retaliation for Charging Party having filed grievances and collectively bargained on behalf of Respondent's firefighters. In its exceptions, Respondent requested oral arguments. General Counsel Post stated that he did not deem the issues raised warranted oral arguments. General Counsel Post recommended the Board adopt the challenged portions of RDO. After discussion, Member Coli moved to accept General Counsel Post's recommendation and to deny the oral argument request and adopt the ALJ's recommendation with clarifications. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

3. Case No. S-CA-10-241
Ann Moehring/Chief Judge of the 16th Judicial Circuit

Chairman Zimmerman called the case. General Counsel Post reviewed the issues presented by ALJ Wells' RDO, recommending the Board accept the ALJ's recommendation to defer to a recently issued arbitration award that found that Charging Party had not been discharged for engaging in union activities and to dismiss the complaint that alleged the Respondent had violated Sections 10(a)(2) and (1) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010) as amended (Act). After discussion, Member Washington moved to accept General Counsel Post's recommendation. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

4. Case No. S-RC-10-228
American Federation of State, County and Municipal Employees, Council 31/State of Illinois, Department of Central Management Services

Chairman Zimmerman called the case, noting that no party filed exceptions to ALJ Tarver's RDO and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

5. Case No. S-CA-11-175
Cicero Fire Fighters Union, Int'l Association of Fire Fighters, Local 717/Town of Cicero

Chairman Zimmerman called the case, noting that no party filed exceptions to ALJ Bell's RDO and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

6. **Case No. S-CA-10-143**
Georgia Foster/Clerk of the Circuit Court of Cook County
Case No. S-CB-10-033
Georgia Foster/International Brotherhood of Teamsters, Local 714

Chairman Zimmerman called the cases, noting that Executive Director Brosnan issued dismissals on September 2, 2011 with appeals filed. General Counsel Post reviewed the issues presented by the appeals, noting that the charge against the Employer Respondent alleged a violation of Section 10(a) of the Illinois Labor Relations Act, 5 ILCS 315 (2010) as amended (Act), and the charge against the Union Respondent alleged violation of Section 10(b) of the Act. General Counsel Post recommended that the Board accept the Executive Director's dismissals. After discussion, Member Besson moved to accept the Executive Director's dismissals. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

VI. OTHER BOARD MATTERS

Executive Director Brosnan presented the fiscal report, reviewing in detail the general ledger sheet and the disbursement record. Thereafter, he updated the Board as to the status of legislation that could affect the agency. After a short discussion regarding whether there was a need for executive session, the Board concluded that it was unnecessary at this time.

VII. ADJOURNMENT

Chairman Zimmerman called for a motion to adjourn. Member Besson made a motion to adjourn the meeting, and the Board passed it unanimously, by a voice vote.

Adopted and approved by the Chairman and Members of the State Panel of the Illinois Labor Relations Board, in Chicago, Illinois, this 13th day of March, 2012.